

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGELA THIGPEN,

Plaintiff,

-against-

LOCAL 807 LABOR MANAGEMENT  
PENSION FUND; AND CAROL WEST FALL,  
ADMINISTRATOR

Defendants.

19-CV-10518 (CM)

ORDER DIRECTING PAYMENT OF FEES  
OR IFP APPLICATION

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff Angela Thigpen brings this action *pro se*. Plaintiff submitted her complaint and request for counsel with docket number 1:18-CV-00162-PKC-LB indicated on both submissions. But Plaintiff is not a party to any case in this Court under that docket number. A review of the Public Access to Court Electronic Records (PACER) system, however, reveals that Plaintiff filed an action in state court against the same Defendants and asserting the same claims raised in this complaint, and that action was removed by Defendants to the United States District Court for the Eastern District of New York. *See Thigpen v. Local 807 Labor Mgmt. Plan Fund*, No. 18-CV-00162 (PKC) (LB) (E.D.N.Y. Sept. 30, 2019) (granting summary judgment to Defendant, dismissing the action, and granting Defendant's request for an award of \$100.00 for attorneys' fees). Plaintiff filed a notice of appeal in that case on October 10, 2019. The complaint submitted to this Court was signed by Plaintiff on November 5, 2019.

It is unclear whether Plaintiff intended to file a new action in this Court. Plaintiff mailed her complaint and request for counsel, with the Eastern District of New York docket number noted on the submissions, to this Court without the filing fees or an IFP application. To proceed with a civil action in this Court, a plaintiff must either pay \$400.00 in fees – a \$350.00 filing fee

plus a \$50.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

If Plaintiff intends to file a new action in this Court, she must either pay the \$400.00 in fees or submit the attached IFP application within thirty days of the date of this order. If Plaintiff submits the IFP application, it should be labeled with docket number 19-CV-10518 (CM). If the Court grants the IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: November 19, 2019  
New York, New York

  
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COLLEEN McMAHON  
Chief United States District Judge